

FILED

JUN 29 2012

PATRICK E. DUFFY, CLERK

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

IVAN I. MENDEZ,)	CV 12-93-M-DLC-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BIG INTERNATIONAL CRIMINAL)	
ORGANIZATION, et al.,)	
)	
Defendants.)	
)	

On June 21, 2012, Plaintiff Ivan I. Mendez, a prisoner in the State of Delaware, applied to proceed *in forma pauperis* with this action.

United States Magistrate Judge Jeremiah C. Lynch recommends denial of Plaintiff Mendez's application to proceed *in forma pauperis* as barred by 28 U.S.C. § 1915(g), which prohibits *in forma pauperis* actions by a prisoner who has filed three or more previous groundless actions in federal court, unless the prisoner can show he is under imminent danger of serious physical injury. Judge Lynch noted that Plaintiff Mendez has filed more than seventy lawsuits in district

courts across the country, many more than three or which have been dismissed as frivolous and vexatious. Because there is nothing in the proposed complaint to suggest that Plaintiff Mendez is in imminent danger of physical injury, Judge Lynch recommends denial of the application to proceed *in forma pauperis*. Judge Lynch further recommends that the Court decline to afford Plaintiff Mendez a period of time in which to pay the filing fee.

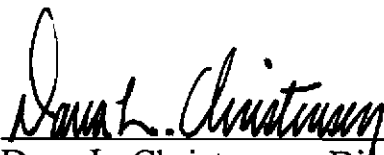
This Court reviews the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

The Court can find no clear error with Judge Lynch’s Findings and Recommendations (Doc. No. 4) and therefore adopts them in full.

Accordingly, IT IS HEREBY ORDERED that Plaintiff Mendez’s application to proceed *in forma pauperis* (Doc. No. 3) is DENIED pursuant to 28 U.S.C. § 1915(g). The Clerk of Court is directed to close the case file.

DATED this 29th day of June, 2012.



Dana L. Christensen, District Judge
United States District Court